



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 6

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AUG 28 2002

In re Application of	:	
Frank Puttkammer	:	DECISION ON REQUEST
Application No.: 09/931,694	:	TO ACCEPT LATE PAPERS
Filing Date: August 16, 2001	:	
Attorney Docket No.: 010469-US	:	

This is a response to the communication filed via facsimile transmission on August 15, 2002. The communication is being treated as a request to accept papers as timely filed pursuant to 37 C.F.R. § 1.8(b) for the above-identified application.

The request is DISMISSED.

A non-final Office action was mailed December 10, 2001, setting a three month shortened statutory period for filing a response. A timely response to the Office action was not received at the USPTO. Before sending out a Notice of Abandonment, the examiner called applicant's attorney, Mr. Karl Hormann, to verify that a response to the Office action was not in fact filed by applicant. Mr. Hormann asserted that a response to the Office action was filed and sent the above-noted communication to support this assertion.

The communication filed via facsimile transmission on August 15, 2001 included: 1) a copy of an amendment dated 1 May 2002; 2) a copy of a postcard (not stamped by the USPTO) which lists a "Response to Official Action of 10 December 2001"; 3) an Amendment Transmittal Letter which bears a Certificate of Mailing under 37 C.F.R. § 1.8(a) dated May 2002; 4) a statement under 37 C.F.R. § 1.8(b)(3); and 5) a Certificate of Transmission by Facsimile dated August 15, 2002.

The papers filed as parts of the communication do not satisfy the conditions for accepting a response using a Certificate of Mailing under 37 C.F.R. § 1.8(a) but not received by the USPTO for the following reasons: 1) the Certificate of Mailing although clearly dated May 2002 does not clearly indicate the specific day of May 2002 and 2) the statement under 37 C.F.R. § 1.8(b)(3) is not signed.

In addition, even if the response was received at the USPTO on May 3, 2002 (the mailing date specified on the 37 C.F.R. § 1.8(b)(3) statement), the response would still not have been timely filed. The shortened statutory period for response expired as of March 10, 2001. Although this time period could have been extended under the provisions of 37 C.F.R. § 1.136 to June 10,

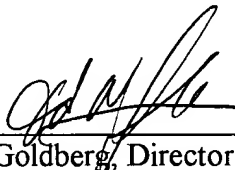
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2001, there is no evidence that a petition for an extension of time with the requisite fee was ever filed before June 10, 2001. In addition, there was no authorization given to charge a Deposit Account for fees associated with the response. Consequently, the petition is **dismissed**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.

The application file is being forwarded to the group Central Files area to await a request for reconsideration. If no request for reconsideration is filed within the given time period, the application will be forwarded to the examiner for preparation of a Notice of Abandonment.

Any inquiries regarding this decision should be directed to Edward Westin at (703) 308-4823.



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Howard N. Goldberg, Director  
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